

1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE  
3           DISTRICT OF MASSACHUSETTS

4           TERRI PECHNER-JAMES and  
5           SONIA FERNANDEZ,  
6                                 Plaintiffs

7           VS.

8                                 C.A. NO. 03-12499-MLW

9           CITY OF REVERE, THOMAS  
10          AMBROSINO, MAYOR CITY OF  
11          REVERE, POLICE DEPARTMENT,  
12          TERRENCE REARDON, CHIEF,  
13          BERNARD FOSTER, SALVATORE  
14          SANTORO, ROY COLANNINO,  
15          FREDERICK ROLAND, THOMAS  
16          DOHERTY, JOHN NELSON, JAMES  
17          RUSSO, MICHAEL MURPHY, and  
18          STEVEN FORD,  
19          Defendants

20

21

22          DEPOSITION of TERRI PECHNER-JAMES, taken at  
23          the request of the Defendants Foster, Santoro,  
24          Colannino, Roland, Doherty, Nelson, Russo, Murphy  
1          and Ford, pursuant to Rule 30 of the Federal  
2          Rules of Civil Procedure, before Michael Gruber,  
3          a notary public in and for the Commonwealth of  
4          Massachusetts, on January 10, 2006, commencing at  
5          10:20 a.m., at the offices of Reardon, Joyce &  
6          Akerson, Esqs., 397 Grove Street, Worcester,  
7          Massachusetts.

8

9

1           A P P E A R A N C E S:

2           FOR THE PLAINTIFFS:

3           JAMES S. DILDAY, ESQ.  
4           GRAYER & DILDAY, LLP  
5           27 School Street Suite 400  
Boston, Massachusetts 02108

6           FOR THE DEFENDANTS CITY OF REVERE, AMBROSINO,  
7           REARDON:

8           PAUL CAPIZZI, ESQ., CITY SOLICITOR  
9           WALTER H. PORR, JR., ESQ., ASST. CITY SOLICITOR  
OFFICE OF THE CITY SOLICITOR  
CITY HALL  
10          281 Broadway  
Revere, Massachusetts 01251

11          FOR THE DEFENDANTS FOSTER, SANTORO, COLANNINO,  
ROLAND, DOHERTY, NELSON, RUSSO, MURPHY AND FORD:

12          MICHAEL J. AKERSON, ESQ.  
13          REARDON, JOYCE & AKERSON, P.C.  
397 Grove Street  
14          Worcester, Massachusetts 01605

15

16

17

18

19

20

21

22

23

24



1 what I did on my personal time, but --

2 Q. Okay. You're looking at a document  
3 which appears to be a small calendar.

4 A. Mm-hmm.

5 Q. What is the purpose of the calendar,  
6 ma'am?

7 A. Had a calendar since I got out of --  
8 one thing they taught us in the academy is to  
9 carry a book with you so that you can put dates  
10 and times.

11 Q. By that do you mean in terms of when  
12 you are scheduled to work any extra jobs or  
13 training classes you have?

14 A. Yes.

15 Q. Are there any other personal items or  
16 diary-like notations in the calendar you have in  
17 front of you for the year 1997?

18 A. There's personal notes in here. Is  
19 that --?

20 Q. Are there notations in the diary  
21 regarding, in this case, Lieutenant Foster and  
22 his interactions and treatments with you?

23 A. Yes.

24 Q. There are.

1 A. Yes.

2 Q. And you indicated that was something  
3 you learned at the police academy, to keep a  
4 calendaring system when you're working as a  
5 police officer?

6 A. Yes.

7 Q. That's the only reason you keep the --

8 A. I started doing it --

9 Q. -- I'll call it a little black book --

10 A. I've got one for pretty much every  
11 year.

12 Q. Every year?

13 A. I guess if I learned something, I  
14 learned to keep track of the days of the year,  
15 week. Still do it.

16 Q. You mentioned Lieutenant Foster, your  
17 relationship changed with him. What did you learn  
18 during the summer of 1997 which made you believe  
19 that relationship of Lieutenant Foster had  
20 changed?

21 A. Supposedly, I said something about  
22 him. That's all I knew.

23 Q. What are you supposed to have said  
24 about the lieutenant, Lieutenant Foster?

1           A.       I have no idea. I don't know to this  
2 day.

3           Q.       Did you ask Lieutenant Foster what you  
4 supposedly said about him --

5           A.       Yes.

6           Q.       -- that made him, toward you, the  
7 relationship change?

8           A.       I did.

9           Q.       And did he respond?

10          A.       Yeah.

11          Q.       Did he tell you what you supposedly  
12 said about him?

13          A.       No.

14          Q.       So as you sit here today you don't  
15 know what it's alleged you said about Lieutenant  
16 Foster?

17          A.       No, to this day I don't know.

18          Q.       Do you know the gist or the general  
19 nature of what it was you supposedly said about  
20 Lieutenant Foster?

21          A.       Don't know.

22          Q.       You have to answer -- okay.

23          A.       Don't know.

24          Q.       I'm assuming you spoke with Lieutenant

1 Foster's daughter, Bernadette Foster, inasmuch as  
2 you said you were friendly with her.

3 A. Mm-hmm.

4 Q. Right?

5 A. Yes.

6 Q. What did she say to you when you asked  
7 her about why the change in the relationship with  
8 her dad, Lieutenant Bernie Foster?

9 A. We really never got into my -- I mean,  
10 I don't remember a conversation, how it was kept  
11 -- our relationship was kind of kept outside of  
12 his. I don't --

13 Q. Okay. Do you recall when it was that  
14 you said something to Lieutenant Foster about  
15 why --

16 A. See, I'm sorry --

17 Q. -- the relationship changed?

18 A. Can I answer that? I did ask  
19 Bernadette, when I got back on, why her father  
20 was mad at me.

21 Q. Okay. When did you ask Bernadette  
22 Foster?

23 A. I don't remember the date. I remember  
24 it was behind the police station. We were going

1 to our cars, leaving the shift. But I don't  
2 remember getting, again, you know, I don't  
3 remember getting why he was mad. Somebody said I  
4 said something. That was -- it was -- you know,  
5 the rumor mill. Bingo hall.

6 Q. I was just trying to place that  
7 conversation with Bernadette Foster in a time  
8 line. Do you remember when that was? Was that  
9 while you were in the CID unit?

10 A. No, it wasn't. It was when I got back  
11 to the shift.

12 Q. Do you recall what Bernadette Foster  
13 said to you as to why her father was mad?

14 A. Couldn't have been much, because I  
15 don't remember.

16 Q. So you don't remember anything else  
17 she said about that topic.

18 A. No.

19 Q. Did you ask anybody else why  
20 Lieutenant Foster was mad at you?

21 A. Asked everybody.

22 Q. Okay. Could you define "everybody"? I  
23 don't know who you mean.

24 A. Captain Roland, Roy Colannino, Russo.

1 Q. Okay, well --

2 A. Kevin Millerick.

3 Q. I'll take a step back, if I can.

4 What made you believe that Lieutenant  
5 Bernard Foster was upset or angry with you? What  
6 did he do or give or say to you?

7 A. Before I left the CID unit a couple of  
8 people approached me. I have -- if I can look  
9 back in my notes, again I have who it was, a lot  
10 of stuff. If you don't mind me taking a second --

11 Q. Sure, but as you're sitting here right  
12 now you don't remember who approached you and  
13 said things to you about why Foster was mad at  
14 you?

15 A. I think I remember one of them being  
16 Kathy Fish. Again, that's without looking at my  
17 notes.

18 Q. Just one second, if I may. We'll get  
19 to the name in the minute.

20 What did these individuals say to you  
21 about why Lieutenant Foster was mad at you?

22 A. They didn't say anything. They just  
23 said, "Watch your back. Bernie is out to get  
24 you." That was --.

1           Q.       Do you recall anything else that these  
2 individuals said to you before you left the CID  
3 unit as to why Lieutenant Foster was upset at  
4 you?

5           A.       Unless I look in my notes, I don't  
6 want to --

7           Q.       Okay, but as you sit there right now  
8 you don't remember anything else that was said to  
9 you about why Lieutenant Foster was upset with  
10 you.

11          A.       No.

12          Q.       What notes are you speaking of that  
13 you could look at which would refresh your memory  
14 of what individuals told you Lieutenant Foster  
15 was upset with you?

16          A.       My own personal notes.

17          Q.       If you want to look at them now you  
18 may look at them. Your choice.

19          A.       It was August 9 -- I don't -- August 9  
20 of '97 Officer Fish told me, but I didn't -- I  
21 wrote I was unsure as to why and what I did  
22 wrong, so --.

23          Q.       Okay --

24          A.       I don't have --

1 Q. You referenced a moment ago that you  
2 wanted to look at your own personal notes.

3 A. Mm-hmm.

4 Q. And I believe you just did, and you  
5 mentioned that Kathy Fish had mentioned something  
6 to you on August 9, is that correct?

7 A. Mm-hmm.

8 Q. Is that a "yes"?

9 A. Yes, sir.

10 Q. And that would be August 9 of the  
11 year --

12 A. 1997.

13 Q. You're looking at some documents.  
14 There appears to be a stack of documents, maybe  
15 three-quarters of an inch thick, and a variety of  
16 stapled packets.

17 A. These are all the same.

18 Q. Okay. What is it you're looking at,  
19 ma'am?

20 A. My calendar, my copies of -- these are  
21 my -- these are my calendars. Notes that I put on  
22 my calendars, just composed into one page.

23 Q. In making your own personal notes that  
24 you have in front of you, why did you do that?

1           A.       Because I can't remember anything in  
2 chronological order.

3           Q.       So it's something you decided to do on  
4 your own because it would be helpful to you?

5           A.       Pretty much.

6           MR. AKERSON: I would like to take a  
7 copy of those notes before we leave.

8           MR. DILDAY: Mm-hmm.

9           I should have said "yes". You know  
10 what I said.

11          MR. AKERSON: I got the hint. I know  
12 it's hard.

13          Q.       Ms. James, now having looked at your  
14 notes, do you recall anything else that was said  
15 to you about why Lieutenant Foster was upset at  
16 you? Again, this would be in the summer of 1997.

17          A.       (Shaking head.)

18          Q.       No?

19          A.       I don't recall.

20          Q.       I know you're shaking your head.

21          A.       No.

22          Q.       Thank you.

23          Again, in the summer of 1997 did you  
24 have any direct conversations with Lieutenant

1 Foster about this information you had from Police  
2 Officer Kathy Fish?

3 A. Did I have direct communication with  
4 him?

5 Q. Yes. Did you speak to Lieutenant  
6 Foster in any way about what Kathy Fish had  
7 mentioned to you?

8 A. On August 24 of '97.

9 Q. Just for the record, again, you seem  
10 to be looking at your own personal notes.

11 A. Yes, sir.

12 Q. August 24 of 1997, you spoke with

13 Lieutenant Foster?

14 A. Yes.

15 Q. What happened on that occasion?

16 A. He called me into the booking room.  
17 The booking room of the Revere police station.

18 Q. "He" being Lieutenant Foster?

19 A. Yes.

20 Q. Okay. Do you recall what time of day  
21 it was?

22 A. No, I don't.

23 Q. And did you go to the booking room?

24 A. Yes.

1           Q.        What occurred, if anything, in the  
2 booking room on that August 24, 1997 occasion?

3           A.        He just started screaming at me. Said  
4 he's done a lot -- he's done a lot for me and I  
5 stabbed him in his back. And he's putting me on a  
6 walking route until further notice. He didn't  
7 want to see my face inside the station or the  
8 sub-station. Told me not to bother to speak with  
9 him, and disregard the wedding invitation to his  
10 daughter's wedding. I asked him what I had done  
11 so wrong to him. He stated that -- he told me he  
12 had nothing else to say to me. To go to my  
13 assignment and make sure I'm there, because he's  
14 going to be checking on me. And that was after I  
15 had went to his daughter's wedding shower at  
16 Weylu's restaurant on June 29, '97.

17          Q.        It appears you just read something.

18          A.        Yes, sir.

19          Q.        And those are from your own personal  
20 notes?

21          A.        Yes.

22          Q.        When did you make the notes that you  
23 have in front of you?

24          A.        When I started getting tortured.

1 Q. I'm sorry --

2 A. My notes --

3 Q. I'm not trying to be cute. What do you  
4 mean, when you started being tortured?

5 A. My calendars go from when I was in the  
6 academy. I started -- when I worked in CID one of  
7 the things I learned from my superior officers in  
8 CID was to always keep a personal book of  
9 incidents that happened on the job.

10 Q. A personal diary, if you will?

11 A. Correct.

12 Q. Who in CID told you to do that?

13 A. Sergeant Pisano, Sergeant Borgioli.

14 Q. So you started keeping, if I may call  
15 it a diary, of all your personal notes, after  
16 your temporary assignment to CID?

17 A. No, before that. Before my temporary  
18 assignment.

19 Q. Did you keep a journal for your first  
20 year and a half on the Revere Police Department?

21 A. Yes.

22 Q. What is the method in which you kept  
23 notes? Did you do it on a daily occasion, to  
24 prepare these notes you're referencing, your

1 personal notes?

2 A. When I worked? Is that -- I mean --

3 Q. I'm just trying to figure out --

4 A. There was really no rhyme --

5 Q. Every night would you sit down at a  
6 computer or note pad and write them out? That's  
7 what I'm trying to figure out. What were the  
8 methods of your note-taking?

9 A. When I went to school I wrote down  
10 when I had school. If I took a day off I wrote  
11 down when I took a day off. Got in an accident, I  
12 wrote down about my accident. I'm -- I keep all  
13 my -- I like to say, my files in order. So I, you  
14 know, would write it down. If something happened  
15 I'd write it down. I've got '96 in here, so I  
16 mean --

17 Q. So when do your notes begin, the  
18 earliest date in time?

19 A. March of '96.

20 Q. That's a few months after you started  
21 in the Revere police, as an officer on the  
22 street?

23 A. Yes.

24 Q. The notes you have in front of you,

1 which you indicated, ma'am, started in March of  
2 1996, were they always computerized?

3 A. No.

4 Q. Back in March of '96 were they  
5 handwritten or on computer?

6 A. Handwritten.

7 Q. At some point you changed the format  
8 and typed your handwritten notes?

9 A. Yes.

10 Q. When was that done?

11 A. 2001, when I filed a complaint with  
12 MCAD.

13 Q. Do you still have your handwritten  
14 notes?

15 A. My calendars.

16 Q. You have in your hand what looks like  
17 a monthly calendar for the year of 1997, which is  
18 about two -- say three inches by five inches.

19 A. Here's my other one, so --.

20 Q. Okay. I guess, ma'am, what I'm just  
21 trying to find out is, you took information from  
22 your daily planners or calendars, and then you,  
23 in 2001, created it into a --

24 A. And notebooks.

1 Q. -- a typewritten --

2 A. And notebooks. I didn't have any rhyme  
3 or reason. I just --.

4 Q. Okay. And you still have the  
5 notebooks?

6 A. My notebooks?

7 Q. That's what I'm asking. The notebooks  
8 you're referencing --

9 A. Not here, but --

10 Q. -- which came to be or turned into the  
11 typewritten memo you have in front of you or, as  
12 you called them, your personal notes.

13 A. Yeah.

14 Q. You still have some of them, but not  
15 with you currently, is that correct?

16 A. Mm-hmm.

17 Q. Yes?

18 A. Yes.

19 Q. Okay.

20 A. It's much easier to reference pages  
21 rather than going -- sometimes I have to, but --.

22 Q. Okay.

23 A. My life in a book.

24 MR. AKERSON: Can we take a short